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SUBJECT: JAPANESE MORNING PRESS HIGHLIGHTS 03/13/09

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ARTICLES:

(1) Anti-piracy legislation to be adopted at cabinet meeting today:  
Guidelines for use of weapons to be eased; Concern about impact on  
future dispatch of SDF troops

NIKKEI (Page 2) (Full)  
March 13, 2009

The government will adopt at a cabinet meeting on March 13  
anti-piracy legislation designed to counter piracy in waters off  
Somalia. The legislation for the first time allows, though  
conditionally, the Self-Defense Forces to fire on pirate ships  
before they launch an attack. The policy is based on the notion that  
anti-piracy operations are police activities differing from the use  
of weapons overseas that is prohibited under Article 9 of the

Constitution. However, there is concern that such a notion could have an impact on the guidelines for the future use of weapons by SDF personnel abroad.

#### Article 9 and use of weapons

The guidelines for the use of weapons by SDF personnel dispatched abroad have been gradually eased. However, they are limitedly allowed to use weapons only for self-defense or emergency evacuation when attacked. Article 9 of the Constitution bans the use of weapons overseas as a means of settling international disputes.

#### Anti-piracy operations are police activities

The legislation approves SDF personnel firing on pirate vessels, even if they do not make an attack, provided that they do not stop closing in on commercial ships despite warning shots. The provision adopted this time, which is clearly different from self-defense, is characterized as the use of weapons to carry out missions. Though such an action is approved by other countries' militaries, the SDF is not allowed to do so under Japan's exclusively defense-oriented policy.

Positioning anti-piracy operations in question as police activities, the government defines pirate ships as vessels excluding military ships and ships owned or operated by foreign governments. The government has explained that fighting a state or a state-like entity could fall under the use of armed force. However, the government clearly differentiates the use of weapons from the use of armed force by adopting such a definition.

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#### Possible to deal with approaching helicopters

The government during deliberations on the legislation by the ruling parties indicated this interpretation of the law: "The SDF may fire on a helicopter that took off from a pirate ship and refused to stop approaching. However, the SDF is not allowed to fire on a helicopter that came flying from the shore. This is a view that though a helicopter is not a pirate vessel, if it took off from a pirate ship, its approaching flight can be interpreted as an extended act of piracy.

It is only natural to anticipate every possible situation for SDF activities overseas. However, some government and ruling party officials are concerned that the Liberal Democratic Party's defense policy clique and the Defense Ministry might be trying to set a precedent for easing the guidelines for the use of weapons in order to broaden the scope of SDF activities overseas."

#### (2) Somalia dispatch (Part 1): Uncertain Obama strategy

TOKYO SHIMBUN (Page 1) (Abridged slightly)  
March 12, 2009

The Maritime Self-Defense Force (MSDF) is going to dispatch two destroyers on an anti-piracy mission in waters off Somalia. The MSDF was reluctant to do so until last December. Around that time, the Defense Ministry announced an organizational reform plan, following a series of irregularities, including the Aegis-equipped destroyer Atago's collision with a fishing boat. Some MSDF members complained about the mission, insisting that that is what the Japan Coast Guard should do.

The situation changed when the United States on Dec. 16 drafted UN Resolution 1851 authorizing operations to crack down on pirates in Somalia. The United States had been keeping a distance from Somalia since 18 American soldiers were killed there in 1993. Senior MSDF officers recognized a change in the United States.

"If the United States plans operations in Somalia, we should of course cooperate." The MSDF, which contained the Soviet Navy in collaboration with the U.S. Navy during the Cold War era, takes strong pride in propping up the Japan-U.S. alliance.

Hoisting a Rising Sun flag in waters off Somalia carries great significance for Japan, which has supported the United States in the Afghan War and Iraq War, using the SDF.

With the MSDF destroyers being sent out soon, a different view emerged in the MSDF. Some specifically speculated that the United States might decide to use "smart power," a concept advocated by President Barack Obama, in addressing the Somalia issue. Smart power is a notion combining military, economic and cultural power to aim at international cooperation by breaking away from the Bush administration's unilateralism.

As if he was convinced that Obama would become the new president, Secretary of Defense Robert Gates announced the National Defense Strategy last July. The strategy underlined the need for the military and civilian sectors to jointly address tough issues based on lessons learned in Iraq where America's strategy solely dependent on military power failed.

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As a result, the U.S. Africa Command, the sixth of its kind, was launched in November. A female official from the State Department serves as its deputy commander for civil-military activities, and civilians account for one-fourth of the command. The idea is if civil order in Africa is improved with a variety of aids, that would contribute to the security of the United States.

Meanwhile in Japan, the ruling parties' anti-piracy project team visited in February Africa's Djibouti, where the MSDF will be based. Meeting with the project team, the U.S. commanding officer in Djibouti sought the dispatch of P-3Cs immediately after offering words of welcome, saying, "We will gladly provide you with our base."

Germany, France, and Spain have each dispatched one patrol plane to Djibouti and the U.S. Navy three. Shifting naval patrol aircraft for surveillance over Afghanistan, the U.S. military said that it was in short of "eyes" to spot pirate ships.

Tokyo has begun negotiations with the Djibouti government for stationing an MSDF P-3C unit in the country. The government is planning to dispatch two to three P-3Cs. If the plan is realized, Japan would deploy three destroyers, including one on a refueling mission, a fueler, and a patrol unit in waters off Africa and the Middle East.

As is clear from its plan to send reinforcements to Afghanistan, the Obama administration has not ruled out the use of military power. At a time when the Somalia issue can hardly make a soft landing and the United States is trying to rely on its military power, the MSDF will be literally standing nearby.

(3) No abnormality found in water around Futenma Air Station after jet fuel spills

RYUKYU SHIMPO (Page 30) (Full)  
March 13, 2009

Jet fuel has recently leaked from a fuel storage tank in a northern area of the U.S. Marine Corps' Futenma Air Station. The Environment Preservation Division of the Okinawa prefectural government on March 12 released the results of water analysis conducted by the Okinawa Prefecture Institute of Public Health and Environment Science. According to the report, no benzene or toluene, which could be contained in the fuel, was detected in nearby drainages or spring water.

(4) Reasons for public prosecutors to investigate illegal political donations by Nishimatsu Construction at this timing

TOKYO SHIMBUN (Page 24) (Excerpts)  
March 10, 2009

Public prosecutors have launched an investigation into Nishimatsu Construction Co.'s donations made to Democratic Party of Japan (DPJ)

President Ozawa's political organization. Many observers say that it is unusual for the prosecutors to launch such an investigation with the next general election close at hand. Responses this newspapers received from readers are also unusual. Many readers are critical of the prosecutors, instead of questioning Ozawa's responsibility. The Tokyo Shimbun has delved into their question "Why now?"

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There has been a rumor going around among people right after the arrest of Ozawa's secretary that public prosecutors think that they are some kind of young officers or that top-ranking officials have become unable to control them.

However, Professor Nobuo Gohara at the Toin Yokohama University graduate school said, "I do not feel that they chose the timing for political purposes." He served as an assistant public prosecutor at the Nagasaki District Public Prosecutors Office from 2002 through 2003. He led investigation into an illegal donation scandal involving the Liberal Democratic Party's Nagasaki chapter.

He noted, "Is this such a major scandal even for the arrest of a state-funded secretary to a person who is regarded as a candidate to become the next prime minister? They called for some backups from other public prosecutors' offices late last year. To begin with, it is hard to think that they also had the Liberal Democratic Party in mind."

Given the charge that led to the arrest of the secretary, it is a crime concerning outside money entered into the political organization's fund report. The amount involved is just 21 million yen, less than 50 PERCENT of the average amount involved in this kind of scandals in the past.

"Normally, arresting someone on such a charge requires a sizable amount of money that cannot be pardoned with the correction of the fund report, and they must also discover something unscrupulous in that person's way of raising donations. However, there are no such elements in the incident this time," said Gohara.

Journalist Osamu Aoki said: "It is a problem that the arrest was made on the day before the revote on the budget bill. However, you never know when a general election will be held. Some charges are about to run out of the statute of limitations. Public prosecutors' logic is barely justifiable."

A number of key LDP officers not indicted

Aoki, however, sarcastically said, "Public prosecutors have thus far intentionally avoided investigations into key government officials." Among recent cases, though late former Prime Minister Ryutaro Hashimoto was not indicted over an illegal 100 million yen donation made by the Japan Dentists Federation, former Chief Cabinet Secretary Kaneko Muraoka was indicted. He said, "Their investigations markedly lacked balance. It is hard to say that top prosecutors had no political intention."

Nippon University Professor Yasunobu Iwai, political scientist, said, "There was presumably a sense of distrust in Mr. Ozawa, such as whether it is all right to have Mr. Ozawa as prime minister."

Even so, he is skeptical about a view that the arrest was made with the upcoming general election in mind. He speculated, "Public prosecutors wanted to avoid being criticized as interfering in the election."

The Public Offices Election Law prohibits those who plan to run in the election from putting up campaign posters for six months before the Lower House members' term ends and up until the election is officially announced. The Lower House's current membership is to end

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on Sept. 10. That is to say, a period after March 10 is regarded as right before the election.

Iwai conjectures that public prosecutors might have thought that they could avoid coming under fire for interfering in the election, if the arrest (of the secretary) is before that.

The scandal was triggered by the incident of Nishimatsu Construction Co. violating the Foreign Exchange and Foreign Trade Law, brought to light last year. A watcher of the prosecutors said the arrest took place at this timing, because the prosecutors had too much pride to close the scandal just as a case of violation of the Foreign Exchange and Foreign Trade Law, and this coincided with a timetable for personnel changes for bureaucrats in April and the suicide of a secretary to a former Lower House member, whom they were questioning.

ZUMWALT